

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

DILLARD GROUP OF TEXAS, LTD.,)
a Texas Limited Partnership,)
)
Plaintiff,)
)
v.)
)
MER HOLDING COMPANY, INC., an)
Oklahoma Corporation f/k/a MILLER)
EQUIPMENT & REPAIR, INC.; WWS)
HOLDING COMPANY, INC., an)
Oklahoma Corporation f/k/a WOODWARD)
STEEL, INC.; MROC HOLDINGS LLC, an)
Oklahoma Limited Liability Company f/k/a)
MILROC DISTRIBUTION, LLC; JARON)
MILLER; JOSHUA MILLER; LESLIE)
MILLER; and APPLIED INDUSTRIAL)
TECHNOLOGIES, INC.,)
)
Defendants.)

Case No.: CIV-19-892-G

APPLIED INDUSTRIAL TECHNOLOGIES, INC.’S WITNESS LIST

Defendant Applied Industrial Technologies, Inc. (“Applied”) respectfully submits the following Witness List pursuant to the Court’s Scheduling Order [Doc No. 36]:

A. Will Call

	<u>Name</u>	<u>Description</u>
1.	Max Dillard c/o Michael A. Starzyk David M. Mathews Starzyk & Associates, P.C. 1585 Sawdust Road Suite 130-A The Woodlands, Texas	Will testify regarding the allegations in the Complaint, his communications and interactions with Applied, his communications and interactions with MER Holding Company, Inc. (f/k/a Miller Equipment & Repair), WWS Holding Company, Inc. (f/k/a Woodward Steel, Inc.), MROC Holdings, LLC (f/k/a Milroc Distribution LLC), Jaron Miller, Joshua Miller, and Leslie Miller

	77380	(collectively referred to as the “Miller Defendants”), as well as any alleged damages suffered by Plaintiff related to actions by Applied.
2.	Stuart Hayashi c/o Michael A. Starzyk David M. Mathews Starzyk & Associates, P.C. 1585 Sawdust Road Suite 130-A The Woodlands, Texas 77380	Will testify regarding the allegations in the Complaint, his communications and interactions with Applied, his communications and interactions with the Miller Defendants, as well as any alleged damages suffered by Plaintiff related to actions by Applied.
3.	Jaron Miller c/o Daniel C. Hays Chansolme Harroz Hays Schnebel, PLLC 100 N. Broadway Ave. Ste 1800 Oklahoma City, OK 73102	Will testify regarding the allegations in the Complaint, his communications and interactions with Plaintiff, his communications and interactions with the Miller Defendants regarding the allegations in the Complaint, and his communications and interactions with Applied regarding the allegation that Applied did not want to work or preferred to not work with Plaintiff.
4.	Josh Miller c/o Daniel C. Hays Chansolme Harroz Hays Schnebel, PLLC 100 N. Broadway Ave. Ste 1800 Oklahoma City, OK 73102	Will testify regarding the allegations in the Complaint, his communications and interactions with Plaintiff, his communications and interactions with the Miller Defendants regarding the allegations in the Complaint, and his communications and interactions with Applied regarding the allegation that Applied did not want to work or preferred to not work with Plaintiff.
5.	Jeff Jackson c/o Phillips Murrah	Will testify regarding the allegations in the Complaint, facts and events related to his employment with Applied, the standard business practices of the Applied Merger and Acquisition team, his knowledge of the Applied transaction with the Miller Defendants and his communications and interactions with the Miller Defendants, Plaintiff and Applied regarding the sale.

6.	Jim Jeffiers c/o Phillips Murrah	Will testify regarding the allegations in the Complaint, facts and events related to his employment with Applied, the standard business practices of the Applied Merger and Acquisition team, his knowledge of the Applied transaction with the Miller Defendants and his communications and interactions with the Miller Defendants, Plaintiff and Applied regarding the sale.
7.	Chris Harris c/o Phillips Murrah	Will testify regarding the allegations in the Complaint, facts and events related to his employment with Applied, the standard business practices of the Applied Merger and Acquisition team, his knowledge of the Applied transaction with the Miller Defendants and his communications and interactions with the Miller Defendants, Plaintiff and Applied regarding the sale.

B. May Call

1.	Cathryn Sussman c/o Phillips Murrah	May testify regarding the allegations in the Complaint, facts and events related to her employment with Applied, the standard business practices of the Applied Merger and Acquisition team and her knowledge of the Applied transaction with the Miller Defendants.
2.	David A. Zagore Squire, Patton Boggs LLP 4900 Key Tower 127 Pubic Square Cleveland, Ohio 44114	May testify regarding the allegations in the Complaint, the standard business practices of the Applied Merger and Acquisition team and his knowledge of the Applied transaction with the Miller Defendants.
3.	Andrew Ralph Harroz Chansolme Harroz Hays Schnebel, PLLC 100 N. Broadway Ave. Ste 1800 Oklahoma City, OK 73102	May testify regarding the allegations in the Complaint, his knowledge of the Applied transaction with the Miller Defendants and his communications and interactions with the Miller Defendants and Applied.

4.	David Rolens c/o Daniel C. Hays Chansolme Harroz Hays Schnebel, PLLC 100 N. Broadway Ave. Ste 1800 Oklahoma City, OK 73102	May testify regarding the allegations in the Complaint, his communications and interactions with Plaintiff, his communications and interactions with the Miller Defendants regarding the allegations in the Complaint, and his communications and interactions with Applied regarding the allegation that Applied did not want to work or preferred to not work with Plaintiff.
5.	Todd Barlett 5810 Brookstone Walk NW Acworth, Georgia 30101-8430	May testify regarding the allegations in the Complaint, facts and events related to his employment with Applied, the standard business practices of the Applied Merger and Acquisition team, his knowledge of the Applied transaction with the Miller Defendants and any communications and interactions with the Miller Defendants and Plaintiff.
6.	Doug Cockrell 1522 Darlene San Angelo, Texas 76904	May testify regarding the allegations in the Complaint, facts and events related to his employment with Knox Oil Field Supply, his knowledge of the Applied transaction with the Miller Defendants, communications and interactions with the Miller Defendants and Plaintiff regarding the sale by the Miller Defendants and communications and interactions with Applied regarding the sale.
7.	Additional witnesses to be identified, as discovery is ongoing.	
8.	Witnesses listed by Plaintiff and Defendants, MER Holding Company, Inc., WWS Holding Company, Inc., MROC Holdings, LLC, Jaron Miller, Joshua Miller and Leslie Miller to whom Applied does not object.	

Applied reserves the right to supplement or amend this witness list through the remainder of discovery and/or within the time limits imposed by the Court and/or pursuant to the Federal Rules of Civil Procedure and/or through the Pretrial Conference herein.

Respectfully submitted,

s/ Ashley M. Schovanec

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Attorneys for Defendant

Applied Industrial Technologies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that on the 14th day of May, 2020, I electronically transmitted the foregoing document to the Clerk of Court using the ECF System for filing. Based, on the records currently on file, the Clerk of Court will transmit a Notice of Electronic Filing to the following ECF registrants:

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s/ Ashley M. Schovanec